

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TARAS JERMAINE WALLACE,)	
)	
Plaintiff,)	
)	
v.)	No. 4:24-cv-00985-MTS
)	
PAUL JOSEPH D'AGROSA, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court upon self-represented Plaintiff Taras Jermaine Wallace's second Application to Proceed in District Court Without Prepaying Fees or Costs. Doc. [4]. Plaintiff's second Application does not correct the problems the Court identified in its Order dated August 14, 2024. For the second time, Plaintiff has declined to answer the amount of money he has in cash or in a checking or savings account. The amount of money Plaintiff has is essential in determining whether he may proceed without prepaying fees under 28 U.S.C. § 1915(a)(1). Because Plaintiff now has failed to provide an answer to that critical question two separate times, the Court will deny his second Application.

The Court previously cautioned Plaintiff that his failure to fully comply with the August 14, 2024, Order would result in dismissal of this action without prejudice. He failed to comply with that Order. Therefore, because he has not paid the required fee, *see* 28 U.S.C. § 1914(a), has not properly sought to proceed without prepayment of the required fee, *see id.* § 1915(a)(1), and has disregarded this Court's Order requiring him to

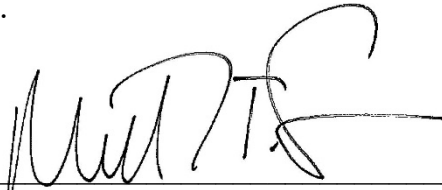
do one or the other, the Court will dismiss this action without prejudice. *See Hutchins v. A.G. Edwards & Sons, Inc.*, 116 F.3d 1256, 1259 (8th Cir. 1997) (“A district court has the power to dismiss a litigant’s cause of action when the litigant fails to comply with the court’s orders.”); *cf.* E.D. Mo. L.R. 2.01(B)(1) (“The Clerk may refuse to receive and file any pleading or document in any case until the applicable statutory fee is paid, except in cases accompanied by a completed application to proceed in forma pauperis.”).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s Second Application to Proceed in District Court Without Prepaying Fees or Costs, Doc. [4], is **DENIED**.

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 5th day of November 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE